

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below.



/S/ RUSS KENDIG

Russ Kendig
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	
)	CHAPTER 7
LISA ANN LUTZ,)	
)	CASE NO. 10-63823
)	
Debtor.)	ADV. NO. 10-6123
)	
_____)	JUDGE RUSS KENDIG
PHILLIP CHICANOWICZ,)	
)	
Plaintiff,)	
)	
v.)	
)	
LISA ANN LUTZ,)	MEMORANDUM OF OPINION
)	(NOT FOR PUBLICATION)
Defendant.)	

On April 29, 2011, plaintiff filed a motion for summary judgment. No response was filed. The motion is now before the court.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b) and the general order of reference entered in this district on July 16, 1984. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (L) and (O). Venue is appropriate under 28 U.S.C. § 1409. The following constitutes the court's findings of fact and conclusions of law pursuant to Federal Rule of Bankruptcy Procedure 7052.

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the Court.

BACKGROUND

The facts in this case are not in dispute. The plaintiff and defendant were parties to a divorce action in the Crawford County Court of Common Pleas, Domestic Relations Division, case number 98 DR 0152. On July 26, 2010, the domestic relations court entered an order awarding plaintiff \$2,500 in attorney fees against defendant as a contempt sanction. The complaint and motion for summary judgment allege that this debt is nondischargeable under 11 U.S.C. § 523(a)(5) or (15). The defendant denies that this debt is nondischargeable in her answer but has not responded to the motion for summary judgment.

LAW AND ANALYSIS

The procedure for granting summary judgment is found in Federal Rule of Civil Procedure 56, made applicable to this proceeding through Federal Rule of Bankruptcy Procedure 7056, which provides that “[t]he court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” This case is ripe for summary judgment because the parties have agreed to the relevant facts.

The plaintiff states that attorney fees awarded in connection with divorce proceedings are generally nondischargeable under section 523(a)(5) or (15) and cites case law. Defendant has not filed a response and therefore does not object to this assertion. It is uncontested that the attorney fees at issue in this case were incurred in regard to divorce proceedings.

Accordingly, plaintiff’s motion for summary judgment is granted.

An order will issue with this opinion.

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